

DOA
5-4-22

UNITED STATES DISTRICT COURT
for the
District of Arizona

United States of America
v.
Emmanuel Arevalo-Garcia
A #088 734 057

Case No.

22-8151MJ

*Defendant***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the dates alleged in Attachment A, in the District of Arizona, the defendant violated Title 8, United States Code, Section 1326(a), a felony, and Title 8, United States Code, Section 1325(a)(1), a class B misdemeanor, offenses described as follows:

See Attachment A Incorporated By Reference Herein

I further state that I am a Special Agent with Homeland Security Investigations.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

CHARLES BAILEY

Digitally signed by CHARLES BAILEY
Date: 2022.05.05 13:26:40 -07'00'

AUTHORIZED BY: Charles E. Bailey Jr., P.S. for AUSA Lindsay L. Short

☒ Continued on the attached sheet.

ERIC P JOHNSON

Digitally signed by ERIC P JOHNSON
Date: 2022.05.05 14:45:12 -07'00'

Complainant's signature

Special Agent Eric Johnson,
Homeland Security Investigations

Printed name and title

Sworn to telephonically.

Date: May 5, 2022

Judge's signature

City and state: Phoenix, Arizona

John Z. Boyle
United States Magistrate Judge

Printed name and title

SCANNED

ATTACHMENT A

Count 1

On or about May 4, 2022, Emmanuel Arevalo-Garcia, an alien, was found in the United States at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Calexico, California, on or about December 5, 2016, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission to the United States, in violation of Title 8, United States Code, Section 1326(a), a Class E felony.

Count 2

On or about April 28, 2022, at or near Douglas, in the District of Arizona, Emmanuel Arevalo-Garcia, an alien, did knowingly and voluntarily enter the United States at a time and place other than as designated by Immigration Officers of the United States, in violation of Title 8, United States Code, Section 1325(a)(1), a Class B misdemeanor.

STATEMENT OF PROBABLE CAUSE

I, Eric Johnson, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Special Agent with Homeland Security Investigations (HSI). I have learned the facts recited herein from direct participation in the investigation and from the reports and communications of other agents and officers.
2. On or about May 4, 2022, while executing a search warrant, HSI agents encountered Emmanuel Arevalo-Garcia at 4631 East Pecan Road, in Phoenix, Arizona. The agents performed an immigration inspection on Arevalo-Garcia, who admitted to being a citizen and national of Mexico, unlawfully present in the United States. Arevalo-Garcia was transported to the Phoenix ICE Enforcement and Removal Operations (ERO) office for further processing. Arevalo-Garcia was held in administrative custody until his identity could be confirmed and his immigration and criminal history could be obtained.
3. Immigration history checks revealed Arevalo-Garcia to be a citizen of Mexico and a previously deported alien. Arevalo-Garcia was removed from the United States to Mexico, through Calexico, California, on or about December 5, 2016, pursuant to a final order of removal issued by an immigration judge. There is no record of Emmanuel Arevalo-Garcia in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal.

4. Furthermore, there is no record of Emmanuel Arevalo-Garcia in any Department of Homeland Security database to suggest that after his last removal from the United States he entered the United States at an official Port of Entry. Had Arevalo-Garcia presented himself at a Port of Entry, Department of Homeland Security records likely would reveal that information. Accordingly, your affiant believes that Arevalo-Garcia unlawfully entered the United States at a time or place other than as designated by Immigration Officers of the United States of America. Arevalo-Garcia's immigration history was matched to him by electronic fingerprint comparison.
5. On or about May 5, 2022, Emmanuel Arevalo-Garcia was advised of his constitutional rights. Arevalo-Garcia freely and willingly acknowledged his rights but did not agree to provide a statement under oath. However, on May 4, 2022, during his initial encounter with HSI agents, Arevalo-Garcia admitted that he illegally entered the United States on April 28, 2022, near Douglas, Arizona.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about May 4, 2022, Emmanuel Arevalo-Garcia, an alien, was found in the United States at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Calexico, California, on or about December 5, 2016, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission to the United States, in violation of Title 8, United States Code, Section 1326(a), and on

or about April 28, 2022, at or near Douglas, in the District of Arizona, Emmanuel Arevalo-Garcia, an alien, unlawfully entered the United States at a time or place other than as designated by Immigration Officers of the United States, in violation of Title 8, United States Code, Section 1325(a)(1).

7. This affidavit was sworn to telephonically before a United States Magistrate Judge legally authorized to administer an oath for this purpose. I have thoroughly reviewed the affidavit and the attachments to it, and attest that there is sufficient evidence to establish probable cause that the defendant violated Title 8, United States Code, Section 1326(a), and Title 8, United States Code, Section 1325(a)(1).

ERIC P JOHNSON Digitally signed by ERIC P JOHNSON
Date: 2022.05.05 14:47:51 -07'00'

Special Agent Eric Johnson
Homeland Security Investigations

Sworn to telephonically
this 5th day of May, 2022.



John Z. Boyle
United States Magistrate Judge